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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,598	11/04/2003	Joseph Edward Fattori	IR 6239-00	6507
23909	7590	10/19/2005	EXAMINER	
COLGATE-PALMOLIVE COMPANY 909 RIVER ROAD PISCATAWAY, NJ 08855			COLE, LAURA C	
			ART UNIT	PAPER NUMBER
			1744	
DATE MAILED: 10/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/700,598	Applicant(s) FATTORI, JOSEPH EDWARD	
	Examiner Laura C. Cole	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-13 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-5 and 7-13 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 04 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 8-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Spohr, USPN 3,379,906.

Spohr discloses the claimed invention including a toothbrush comprising a handle (24), a head (21) with cleaning elements (unlabeled, brush, Column 3 Lines 3-24) thereon movable relative to the handle (see movement arrows in Figure 1; Column 10 Lines 65-72), a motor (33) with a drive shaft (45), a first housing (42d) fixedly connected to a drive shaft (45, see Figures 7-9) having a first cam device thereon (62, 67), a second housing (63b) having a non-rotational cam device (63, 75; Column 6 Lines 62-67) cooperatively engaged with the cam device on the first housing (see Figures 7-9) to convert rotational movement of the first housing into reciprocating motion of the second housing along the longitudinal axis of the toothbrush (see Figures; Column 5 Lines 52 to Column 6 Line 6, Lines 45-73), and an extension of the second housing (22) cooperatively mating with an opening in a portion of the head (see Figure 1) to translate reciprocating movement of the second housing into oscillating motion of the cleaning elements about the longitudinal axis of the toothbrush (see movement arrows in Figure 1). The first and second cam devices on the housings are a cam follower (67) which is disposed on the first housing and mating helical track (75) which is disposed on the second housing for the cam follower. The head of the toothbrush is

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removable (Figure 1; Column 10 Lines 65-69 states that a toothbrush is an "attachment"). Spohr has an upper conical enclosure surrounding the housings (38), the conical enclosure having an upper sliding surface (38b). The head includes a stem with a lower sliding surface that facilitates movement across the upper sliding surface (see broken lines of "21" in Figure 1 wherein the broken lines extend on/over the portion "38b" and see movement arrows).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spohr, USPN 3,379,906 in view of Monroe et al., USPN 3,551,931.

Spohr discloses all elements mentioned above in Paragraph 1, however does not disclose that the extension is volute.

Monroe et al. disclose a driven toothbrush that has a hydraulic motor system, however includes a removable brush head (16) with cleaning elements (15), the brush head is attached to a brush body at a sleeve (80) and is driven in an oscillatory rotary motion via a volute extension (82) and a hydraulic driving means (Column 4 Line 34 to Column 5 Line 27).

It would have been obvious for one of ordinary skill in the art to modify the extension of Spohr to be volute, as Monroe et al. teach, to impart even further oscillatory rotation of a toothbrush housing member about a longitudinal axis of the toothbrush.

Applicants Arguments

3. In the response filed 27 July 2005, the Applicant contends that neither Hwang nor Spohr include a second cam device that is non-rotational.

Response to Arguments

4. Applicant's arguments filed 27 July 2005 have been fully considered but they are not persuasive.

The Examiner considered Applicant's assertions regarding whether or not the second cam device was rotational or non-rotational, however upon even further evaluation of USPN 3,379,906, it is concluded that the second cam member of Spohr is non-rotational. The device of Spohr appears to have two different functions, to have "oscillation motion of the output shaft about its own axis or reciprocating motion of the shaft longitudinally of this same axis" (Column 5 Lines 52-57). When the device of Spohr is under conditions of having reciprocating motion of the shaft longitudinally, the second cam device is non-rotational (Column 6 Lines, 62-67; Column 6 Lines 45-73).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Cole whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on (571) 272-1142. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LCC
LCC
17 October 2005


JOHN KIM
SUPERVISORY PATENT EXAMINER